

REMARKS/ARGUMENTS

Claims 1-26 are currently pending in the above-identified application. Claim 21 has been further amended in order to correct an error discovered in the amendment to claim 21 in the response filed September 6, 2005. Applicant believes that the prior response was fully response in spite of the clerical error that appears in claim 21. Support for the instant amendments is found throughout the specification and is consistent with a suggestion made by the Examiner to obviate one of the rejections presented in the pending Office Action. No new matter is added by these amendments.

During a review of the response filed September 6, 2005 it was noted that the amendment to claim 21 was incomplete and was not fully consistent with the remarks associated with the amendment. In the remarks describing the amendment to claim 21 at page 8 of the September 6th response it was stated that the amendment was to delete the term "derivative" and to insert instead the term "composition" as suggested by the Examiner. As can be seen from a review of the prior response the amendment to claim 21 does not provide a complete sentence and does not delete the term "derivative" as intended. The presently amended claim 21 recites "[a] method for treating a subject having an apoptosis-associated disease, comprising administering to the subject a therapeutically effective amount of a composition, wherein the composition comprises an antimycin". The antimycin of the claim is further characterized by the remainder of the claim. Applicant believes that the amendment to claim 21 and the remarks are fully supported by the specification as filed and is fully consistent with the remarks filed in the prior response.

Consideration of the supplemental amendment to claim 21 is respectfully requested. Applicant believes that the amendments to the claims in the response filed September 6, 2005 and in the present supplemental amendment address each issue raised by the Examiner and Applicant respectfully requests the Examiner withdraw the rejection of the claims under 35 U.S.C. § 112, first and second paragraph, in light of the amendments and remarks presented.

David M. Hockenberry *et al.*
Appl. No. 10/069,431
Supplemental Amdt. dated November 28, 2005
Reply to Office Action of May 5, 2005

PATENT


CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: 28 November 2005

By:


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